

Health & Human Services

Final Agenda

Louisville Metro Council

Meeting Date: 03/15/2006

Meeting Time: 3:00 PM

Location: Third Floor, City Hall

Chairs: Mary C. Woolridge (3)

Members: Barbara Shanklin (2)
Mary C. Woolridge (3)
David Tandy (4)
Rick Blackwell (12)
Glen Stuckel (17)
Stuart Benson (20)
Robin Engel (22)

Special Items for Discussion: 1) Jennifer Parks and Rhonda Mathis -Information about the Community Collaboration for Children in Jefferson County and the Community Network for Protecting Children. 2)April-National Child Abuse Prevention Month.

- 1 [R-34-03-06](#) A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT FEDERAL PASS THRU STATE GRANTS RELATED TO HURRICANE KATRINA DISASTER RECOVERY AND SHELTERING EVACUEES.
[Sponsor\(s\)](#) [Health & Human Services](#)
- 2 [R-35-03-06](#) A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT A GRANT FROM THE U.S. ENVIRONMENTAL PROTECTION AGENCY IN THE AMOUNT OF APPROXIMATELY \$147,801.00 TO BE USED BY THE AIR POLLUTION CONTROL DISTRICT TO SUPPORT COMPLIANCE WITH NATIONAL AMBIENT AIR QUALITY STANDARDS.
[Sponsor\(s\)](#) [Health & Human Services](#)
- 3 [R-38-03-06](#) A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT A GRANT FROM THE DEPARTMENT OF HEALTH AND HUMAN SERVICES,

HEALTH RESOURCES AND SERVICES ADMINISTRATION (HRSA) IN THE AMOUNT OF APPROXIMATELY \$49,850.00 THROUGH THE LOUISVILLE METRO HEALTH DEPARTMENT FOR THE HEALTHY TOMORROWS PARTNERSHIP FOR CHILDREN PROGRAM.

[Sponsor\(s\)](#) [Health & Human Services](#)

- 4 [O-59-03-06](#) AN ORDINANCE AMENDING AND RE-ENACTING CHAPTER 96 OF THE LOUISVILLE METRO CODE OF ORDINANCES, AND RETITLING “ENVIRONMENTAL AND HEALTH NUISANCES” (AS AMENDED BY SUBSTITUTION).

[Sponsor\(s\)](#) [Health & Human Services](#)

RESOLUTION No. _____, SERIES 2006

A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT FEDERAL PASS THRU STATE GRANTS RELATED TO HURRICANE KATRINA DISASTER RECOVERY AND SHELTERING EVACUEES.

Sponsored By: Councilman Rick Blackwell

WHEREAS, Metro Government provided aid and relief to the areas and victims of Hurricane Katrina and is eligible for Federal Pass Thru State Grants related to Hurricane Katrina Disaster Recovery and Sheltering Evacuees; and

WHEREAS, the Metro Government wishes to take advantage of this funding opportunity.

BE IT RESOLVED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT (THE COUNCIL) AS FOLLOWS:

SECTION I: The Mayor is hereby authorized to accept Federal Pass Thru State Grants related to Hurricane Katrina Disaster Recovery and Sheltering Evacuees.

SECTION II: This Resolution shall take effect upon its passage and approval.

Kathleen J. Herron
Metro Council Clerk

Kevin J. Kramer
President of the Metro Council

Jerry E. Abramson
Mayor

Approval Date

APPROVED AS TO FORM AND LEGALITY:

Irv Maze
Jefferson County Attorney

BY: _____

RESOLUTION NO. _____, SERIES 2006

A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT A GRANT FROM THE U.S. ENVIRONMENTAL PROTECTION AGENCY IN THE AMOUNT OF APPROXIMATELY \$147,801.00 TO BE USED BY THE AIR POLLUTION CONTROL DISTRICT TO SUPPORT COMPLIANCE WITH NATIONAL AMBIENT AIR QUALITY STANDARDS.

Sponsored By: Councilman Rick Blackwell

WHEREAS, the application for the Grant has been reviewed and approved by the U.S. Environmental Protection Agency; and

WHEREAS, the Metro Government wishes to take advantage of this funding opportunity through the Air Pollution Control District.

BE IT RESOLVED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT (THE COUNCIL) AS FOLLOWS:

SECTION I: The Mayor is hereby authorized to accept the grant from the U.S. Environmental Protection Agency in the amount of approximately \$147,801.00 to be received by the Air Pollution Control District.

SECTION II: This Resolution shall take effect upon its passage and approval.

Kathleen J. Herron
Metro Council Clerk

Kevin J. Kramer
President of the Council

Jerry E. Abramson
Mayor

Approval Date

APPROVED AS TO FORM AND LEGALITY:

Irv Maze
Jefferson County Attorney

BY: _____

RESOLUTION NO. _____, SERIES 2006

A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT A GRANT FROM THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, HEALTH RESOURCES AND SERVICES ADMINISTRATION (HRSA) IN THE AMOUNT OF APPROXIMATELY \$49,850.00 THROUGH THE LOUISVILLE METRO HEALTH DEPARTMENT FOR THE HEALTHY TOMORROWS PARTNERSHIP FOR CHILDREN PROGRAM.

Sponsored By: COUNCILMAN STUART BENSON

WHEREAS, the Health Resources and Services Administration (HRSA) has made funding available to Louisville/Jefferson County Metro Government, through its Louisville Metro Health Department; and

WHEREAS, the Louisville/Jefferson County Metro Government wishes to take advantage of this funding opportunity through its Louisville Metro Health Department.

BE IT RESOLVED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT (THE COUNCIL) AS FOLLOWS:

SECTION I: The Mayor is hereby authorized to accept a \$49,850.00 grant from the Department of Health and Human Services, Health Resources and Services Administration (HRSA) for the Healthy Tomorrows Partnership For Children Program.

SECTION II: This Resolution shall take effect upon its passage and approval.

Kathleen J. Herron
Metro Council Clerk

Kevin J. Kramer
President of the Council

Jerry E. Abramson
Mayor

Approval Date

APPROVED AS TO FORM AND LEGALITY:

Irv Maze
Jefferson County Attorney

BY: _____

Ordinance No. _____, Series 2006

**AN ORDINANCE AMENDING AND RE-ENACTING
CHAPTER 96 OF THE LOUISVILLE METRO CODE
OF ORDINANCES, AND RETITLING
“ENVIRONMENTAL AND HEALTH NUISANCES”
(AS AMENDED BY SUBSTITUTION).**

**Sponsored By: Council Member
Cheri Bryant Hamilton**

**BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE
LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT [THE COUNCIL]
AS FOLLOWS:**

SECTION I. Pursuant to KRS 67C.115(2), Chapter 96 of the Louisville Metro Code of Ordinances, is hereby retitled to “Environmental and Health Nuisances,” amended by substitution, and reenacted as follows:

ENVIRONMENTAL AND HEALTH NUISANCES

Section 96.01 MINING.

(A) It shall be unlawful for any person, firm, or corporation to commence and maintain any commercial subsurface mining operation for the extraction of solid minerals within the limits of Louisville Metro, unless a valid Conditional Use Permit has been issued.

(B) This section shall not apply to any dredging operations in the Ohio River.

Section 96.02 REMOVAL OF OR DAMAGE TO TREES.

(A) It shall be unlawful for any person to trim, cut, damage, or remove any tree within the public right-of-way of any street of Louisville Metro, without having secured a permit to do so. Permits for trees located on public rights-of-way other than designated historic parkways of Louisville Metro shall be obtained from the Louisville Metro Department of Public Works.

(B) It shall be unlawful for any person to trim, cut, damage, or remove any tree within the right-of-way of any designated historic parkway, which is under the jurisdiction of Louisville Metro Parks. These include Algonquin, Cherokee, Douglass-Millvale, Eastern, Northwestern, Southern, and Southwestern. Any and all work on trees located within the right-of-way of a designated historic parkway must be performed by Louisville Metro Parks, or agent thereof.

(C) Paragraph (A) of this Section shall not apply to Louisville Metro Government and its authorized agents, or to suburban fire districts which are acting to alleviate a public safety hazard.

Section 96.03 REMOVAL OF DEAD TREES.

Whenever the Louisville Metro Department of Public Works shall condemn any dead or decaying tree on the sidewalks or thoroughfares of the Metro Government, and notice is served by the Department on the owner of the lot or property abutting the street or sidewalk where the condemned tree is located, the owner shall within ten days after notice, respond to the citing agency, and within

30 days of notice, at owner's sole cost, remove the condemned tree from the street or sidewalk in such manner as will least impede the public travel, and shall put the surface of the streets or sidewalks in an even and uniform shape after removal, following Metro Government construction standards.

Section 96.10 SPECIFIC HEALTH NUISANCES.

(A) Anything which is dangerous to human health or which renders the ground, air, or food a hazard or injury to human health, and the following specific acts, conditions, and things are declared to constitute a nuisance:

(1) The maintenance of any but sanitary privies, and these only when the premises do not abut a public sewer and the facility is approved and inspected by the Health Department. Properties without access to sewers must be in compliance with Chapter 3 of the Board of Health Sanitary Code, Sewage, Sewerage and Industrial Waste, and the Kentucky Onsite Sewage Disposal System Regulations.

(2) The disposal or accumulation of any foul, decaying, or putrescent substances or other offensive materials dangerous to public health in or on any lot, street, or highway, or the escape of any gases to such an extent that they, by reason of offensive odors, become injurious to the health of any person in Louisville Metro.

(3) The presence of polluted water in a well, cistern, spring, or other source of water supply, when the water there from is used for human consumption.

STABLES

Section 96.11 REMOVAL OF MANURE.

Unless the Health Department approves alternative measures, set forth in writing, the following provisions shall govern storage of manure within Louisville Metro:

(A) It shall be the duty of every person owning, controlling, operating, or having charge of any public or private stable, barn, or place where livestock (as defined in Section 91.001, but excluding hares and rabbits in numbers less than ten) are kept, to have and maintain at all times on the premises or adjacent to such stable, barn, or place, a receptacle of sufficient dimensions for the purpose of containing the droppings of manure from such stock. The receptacle shall have a top or lid so arranged as to be watertight and flyproof. The owner, tenant, or occupant shall each day cause to be deposited therein all droppings from such stock and shall keep the receptacle lid closed (except when necessary and briefly open for the purpose of depositing therein or removing there from) in such manner as to prevent the ingress or egress of flies thereto or therefrom.

(B) Every owner, tenant, or occupant within Louisville Metro shall cause the contents of the receptacle to be removed from the premises at least once a week and more often if required by the Health Department.

(C) Manure shall be removed from the stables, barns, and places within Louisville Metro at the expense of the owner, occupant, or agent and shall not be used as fertilizer within Louisville Metro without permission, in writing, from the Health Department.

Section 96.12 RECEPTACLES.

No receptacle, the bottom of which is below the surface of the surrounding earth, shall be construed or used for holding manure unless it is constructed of substantial cement or masonry and connected with the public sewers. Receptacles holding manure shall be constructed so as to prevent the entrance of water.

Section 96.13 TRANSPORTATION REQUIREMENTS.

No manure shall be transported along any public street, alley, or highway within Louisville Metro except in a tight vehicle which, if not closed, must be covered with canvas or other suitable material so as to prevent the falling of the manure therefrom and the access of flies thereto.

WATER; MOSQUITO CONTROL

Section 96.14 STAGNANT WATER.

(A) It shall be unlawful to maintain any vacant lot or other premises within Louisville Metro on which any water is allowed to collect and lie stagnant in which mosquitoes breed, or are likely to breed. Any such premises or vacant lot is declared a nuisance and dangerous to the health of the people.

(B) The collections of water referred to herein shall be held to be those contained in ditches, ponds, pools, excavations, holes, depressions, open cesspools, privy vaults, fountains, cisterns, tanks, shallow wells, barrels, troughs, except horse troughs in frequent use, eaves, gutters, flat roofs, birdbaths,

swimming pools of all types, tires, urns, urn cans, boxes, bottles, tubs, buckets, or other similar containers.

Section 96.15 TREATMENT OF WATER AGAINST MOSQUITO BREEDING.

(A) The method of treatment of the collection of water specified in this subchapter shall be any one or more of the following:

(1) Screening with wire netting of at least 16 meshes to the inch each way or any other material which would prevent the ingress or egress of mosquitoes;

(2) Complete emptying every five days of the unscreened containers;

(3) Using a larvicide approved by the Health Department;

(4) Cleaning and keeping sufficiently free from vegetable growth and other obstructions, and stocking with mosquito-destroying fish. Absence of half-grown or larger mosquito larvae shall be evidence of compliance with this measure;

(5) Filling or draining to the satisfaction of the Health Department;

(6) Removing tin cans, tin boxes, broken or empty bottles, and similar articles likely to hold water at least once in seven days. If not removed they must be completely covered and stored, so as not to be able to hold water;

(7) Removing tires, or causing them to be stored in such a manner as to exclude water collection, either by keeping them under cover, or securing them in such a manner as will keep them from retaining water;

(8) Maintaining pools, fountains and other ornamental devices designed to contain water, including those that use a filtration system and disinfecting chemicals. When not in use, covering these containers in a manner to prevent water accumulation both in the pool/device, or on the cover; or dismantling or filling them;

(9) Maintaining all natural or manmade storm or surface water drainways in a manner free from obstructions, and with a suitable grade to prevent ponding of water;

(10) Trimming or removing weeds and other plant growth in accordance with Sections 156.051(B)(1) and 156.052(D); and removing all silt, sediment and other debris that may interfere with positive drainage, to the full extent of the property boundaries, and continuing to an imaginary center line of all portions of streets, alleys, or easements that abut the property.

(11) Using other methods proven to be effective in controlling mosquitoes that are approved by the Health Department.

(B) The natural presence of mosquito larvae in standing or running water shall be evidence that mosquitoes are breeding there, and failure to prevent such breeding within 24 hours, or such reasonable period as may be specified in writing by the Health Department, shall constitute a violation of this section.

(C) Parties responsible for conditions giving rise to breeding of mosquitoes that fail or refuse to take necessary preventive measures within 24 hours, or such reasonable period as may be specified in writing by the Health Department, shall be billed for any preventive measures found necessary and instituted by the Health Department.

(D) The owner of the premises, or responsible agent or occupant, shall be held under this subchapter to be responsible for the prevention or correction of conditions giving rise to the breeding of mosquitoes. However, any tenant, trespasser, or other person causing such condition without the consent of the owner or agent shall be held responsible therefor.

(E) Developers shall be responsible for maintenance of all drainage facilities and undeveloped lots, and shall ensure prevention of mosquito breeding as set forth herein, until such time as the drainage bond is released.

Section 96.16 ENFORCEMENT.

The Health Department shall enforce the health nuisance provisions of this subchapter, contained in Sections 96.10 - 96.15, and for this purpose may at all reasonable times enter in and on any premises within its jurisdiction. Any person charged with any of the duties imposed by this subchapter failing within the time specified by the Health Department to comply with any order thereof shall be guilty of a violation. Each day after the expiration of this time that such person fails to comply shall constitute a separate offense.

Section 96.17 INJUNCTIONS.

Nothing herein shall be construed to prohibit or impair the right of the Metro Government or any of its agencies to seek abatement of public nuisances of any kind by the initiation of civil actions in the nature of injunctive relief, or otherwise.

Section 96.98 SEVERABILITY.

If any provision of this chapter as now or later amended or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application.

Section 96.99 PENALTY.

(A) Any party that violates Section 96.01 shall be fined not more than \$100 or imprisoned for a period not exceeding 30 days, or both. Each day's continued violation shall constitute a separate offense.

(B) Any party that violates any of the provisions of Sections 96.02 by trimming, cutting, or damaging a tree shall be fined not less than \$50 nor more than \$250 for each offense; violations by removing a tree shall subject the party to a fine of not less than \$250 nor more than \$500. Each day's continued violation shall constitute a separate offense.

(C) Any party that violates any of the provisions of Section 96.10 shall be fined not less than \$25 nor more than \$250. Each day's continued violation shall constitute a separate offense.

(D) Any party that violates or assists in the violation of any provision of Sections 96.11 - 96.13 shall be fined not less than \$50 nor more than \$100. Each day's continuance of the conditions shall constitute a separate offense.

(E) Any party that violates any provisions of Sections 96.14 - 96.15 shall be fined not less than \$25 nor more than \$1000. Each day's continuance of the conditions, or addition of a new offense under these subsections shall constitute a separate offense.

SECTION II. This Ordinance shall take effect upon its passage and approval.

Kathleen J. Herron
Metro Council Clerk

Kevin J. Kramer
President of the Council

Jerry E. Abramson
Mayor

Approval Date

APPROVED AS TO FORM AND LEGALITY:

Irv Maze
Jefferson County Attorney

BY: _____